

HALEMAUMAU IS RAPIDLY FILLING UP

REV. THWING BACK FROM HALEMAUMAU

REV. E. W. THWING DESCRIBES HIS VISIT TO THE FLOW ON MAUNA LOA AND KILAUEA—SAYS FLOW STOPPED THIS WEEK AND IS COOLING RAPIDLY—THE SOURCE HAS NOT AS YET BEEN LOCATED.

Rev. E. W. Thwing returned this morning from a visit to the big Island where he visited both the lava flow upon the slopes of Mauna Loa and Kilauea. He returned full of enthusiasm in regard to the wonderful sights he had witnessed. He was gone from Honolulu about two weeks.

"The lava flow upon the slopes of Mauna Loa probably ceased last Wednesday," said Rev. Thwing today. "Kilauea reports and those brought by the Kinan from that section of the island confirm this."

"There has not been a flow of any kind which has touched Kona district. The report that there was a flow there was due to a misapprehension of location and description of the direction of

the flows. There has only been three flows with the exception of short distance flows, spurs as it were, from the main flows which have not progressed any distance whatever. And nowhere has the lava reached the sea.

"A week ago on Thursday I left Hilo and visited the flow going by the way of Pahala. I followed the government road and found that the first flow I reached had ceased and although it was still warm it was safe to cross. However as it only continued for a distance of about one thousand feet below the road, I walked around it and then followed the road to the second or main flow. I then saw that the

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WHAT DID THE COURT MEAN?

During the course of the questions which were put to counsel yesterday by members of the Supreme Court when the Lanai appeal matter was up for argument on dismissal, a very significant query was put to Judge Gear of counsel for the plaintiff and respondent. It was whether the title to the public lands in this Territory did not rest in the United States Government.

Judge Gear replied that the title did rest in the United States Government and not with the Territory, and that he had understood that the local United States Attorney had been advised by cable from the Department of Justice to watch the proceedings of the present case, with a view to the future possibility of the United States Government intervening.

Gear added however that whether the title did rest with the United States, the fact would make no difference in the present case, for that issue was not before the court. The issue before the court was upon a loss of revenue to the Territory through the proposed exchange of the Lanai lands. Under the laws the Territory can enjoy the income from public land and the present action was brought to insure a continuance of such enjoyment by the Territory.

Undoubtedly this question of the ownership of the public lands is one of the most important that has come up

since the annexation of the islands. It is a question that undoubtedly will have, sooner or later, to come up before the United States Supreme Court, for final settlement. Certain officials of the Department of Justice are understood to hold to the belief that the title rests solely with the United States Government, and that the Territory has no right to dispose of public lands. There are others who contend to the contrary.

If the Territory's position in this matter is not sustained by the Supreme Court, and the matter will, sooner or later, come up before the Supreme Court for settlement, it will mean that all of the public lands that have been sold in the past by the Territory were illegally sold, and that the titles given by the Territory were void.

To what extent this condition would apply to the transfer of public land is a question. If the Territory has sought to give a title when changing public land, such title would also seem to be null.

Whether the settlement of land for homesteading purposes would be affected, is problematical. Under a strict interpretation of the position of some Federal attorneys, it might be put under a cloud, but that is a very broad question and one upon which no legal opinion were given at the time the other issue of Federal title to the public land of the islands was considered.

KILAUEA ACTIVE

The following message was received this morning by the Henry Waterhouse Trust Co., from Robert W. Shingle: "Volcano House."

"Kilauea making magnificent display. Dodge believes that activity will continue for some time."

REMOVAL NOTICE.

N. Fernandez, Notary Public, Typewriter, etc., has removed his office to No. 844 Kaahumanu street, opposite the office of Theo. H. Davies & Co., Ltd.

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SPANISH ELECTIONS

(Associated Press Cable to The Star.)

MADRID, Spain, January 26.—Sessions of the Parliament have been suspended pending the elections. These elections follow the resignation of the ministry a few days ago.

Five Die In Flames

(Associated Press Cable to The Star.)

DOVER, New Hampshire, January 26.—The Cocheco cotton mill was burned today.

Six lives were lost in the flames. The damage is estimated at \$500,000.

SIEMSEN TO SANQUENTIN

(Associated Press Cable to The Star.)

SAN FRANCISCO, January 26.—Siemens was today taken to San Quentin where he is to be hung in March.

JUDGE ROBINSON SOAKED THE CHINESE GAMBLERS

FINED 65 OF THE DEFENDANTS \$25 AND COSTS EACH THIS MORNING AND SENTENCED TWO OF THE GAME OPERATORS TO SIX MONTHS AT HARD LABOR—NOTICE OF MOTION FOR A NEW TRIAL GIVEN.

Judge Robinson "soaked" the grand jury gamblers this morning when the sixty-seven convicted defendants came up for sentence. The crowd were lined up about the little court room. They occupied seats in the jury box and along the spectators benches on the Waikeiki and mauka sides of the room. Judge Gear who was present as associate counsel in another case,

Kaiser To Von Buelow

(Associated Press Cable to The Star.)

BERLIN, Germany, January 26.—The Kaiser has congratulated General Buelow on the success of the elections. The Socialists lost heavily.

MYSTERIOUS SHOOTING

(Associated Press Cable to The Star.)

NEW YORK, January 26.—Dr. C. W. Townsend, a prominent physician of this city was mysteriously shot at his home today. He will probably die.

Inspired By Flows Of Lava

ARTIST HITCHCOCK BACK FROM PELE'S GARDEN—THE FLOW DIED WEDNESDAY NIGHT.

Armed with brush notes of the lava flow, Artist D. Howard Hitchcock this morning returned from Hawaii in the S. S. Kinan. He was somewhat disappointed, inasmuch as he went to the big island to see the lava flow into the sea to find that at the time he got there the flow were pretty near quitting and there was no chance of the lava rolling into the ocean. But, with inspecting coffee and pineapple lands in Kona and getting impressions of the wonderful atmospheric color effects of volcanic activity and the lava flows and burning mountain sides, he is happy and is likely to make many others

added facetiousness to the occasion, by rising when the first twelve Chinese defendants had been called, and seated in the jury box, by announcing that "he accepted the jury as it stood."

A. F. Judd was present to represent the defendant in the absence of R. W. Breckons and C. F. Hemenway the

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Uncle Sam Will Appeal From Dole

U. S. AUTHORITIES WILL TAKE HABEAS CORPUS MATTER TO THE HIGHER COURT.

The U. S. Government will take an appeal from U. S. Judge Dole's decision in the habeas corpus case of Chiyomatsu Nakashima. This case was decided yesterday afternoon upon very interesting grounds. Judge Dole held, in effect, that the immigration law of 1903 did not apply to alien residents. This case is about the first of the kind decided and as the effect of Judge Dole's decision is far reaching, it is likely that the United States authorities will contest the case to the higher courts.

Assistant U. S. District Attorney J. J. Dunne gave notice this morning to Judge Dole, in chambers, that an appeal would be taken in this case. The Department of Justice was notified by cable yesterday of Judge Dole's decision but no instructions had been received up to noon today by the local legal department of the Federal government. However, in order to protect the rights of the United States Government, the appeal is to be taken.

The order of release of the petitioner will probably be made this afternoon by Judge Dole, in chambers, and the bond will be fixed at \$500, in order that the petitioner can be released from the custody of the immigration authorities pending the taking of the appeal to the higher court.

BEWARE OF PNEUMONIA.
If you have weak lungs, you have reason to fear pneumonia and should keep at hand a bottle of Chamberlain's Cough Remedy. It counteracts any tendency of a cold to result in pneumonia. For sale by all dealers. Benson, Smith & Co., agents for Hawaii.

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SEASIDE HOTEL BATHING.
The muddy mountain freshets are now over, and the weather having become settled, the sea at Waikiki has assumed its former clearness and purity. The Seaside Hotel announces, that bathing at that popular beach resort commences again this afternoon and the finest sea bathing in the world is again available to its patrons. Every accommodation is provided by the management.

BIG VALUES AT SACHS.
Another week of big values begins on Monday at Sachs; children's dresses, wash belts, Albatross, silk Eolienne and brown linen crash will all be on sale at special price reductions.

The best cup of Hawaiian Coffee in the city. New England Bakery and Cafe.

DE BOLT TURNED DOWN THE ATTORNEY GENERAL

REFUSED TO MAKE AN ORDER EXTENDING THE TIME FOR THE GOVERNMENT TO FILE ITS ANSWER IN THE LANAI INJUNCTION CASE—SAID THAT SUPREME COURT COULD TAKE THAT ACTION AS HE HAD NO RIGHT TO DO IT.

Judge De Bolt refused this morning to grant the Territory more time in which to file its answer to the brief of plaintiff in the Lanai land injunction case. According to a recent order of the court the Attorney General's department has until 4 o'clock this afternoon in which to file its answer, but in view of the existing circumstances no answer will be filed.

F. W. Milverton of the Attorney General's department argued this morning for an extension in which to prepare and file his answer. Judge Gear for McCandless, the plaintiff in the case, contended that it was not necessary for the court to make any such order of extension as the case was now before the Supreme Court. The Attorney General's department had contended a few days ago that the Circuit Court had no jurisdiction, and now it came into court and took the position that the court had jurisdiction.

Replying, Milverton said that the contention of no jurisdiction had been upon the ground that the court had no right to vacate its former order allowing an appeal to the Supreme Court on its interlocutory decree and not in the present feature of the case.

The court read the written opinion of the higher court's ruling yesterday, denying Gear's motion to dismiss the appeal. Judge De Bolt pointed to the concluding paragraph of the Supreme Court's opinion relative to the order that was desired by the Attorney General's department. This paragraph was as follows:

"Now in regard to the question of the non-conformity of the decree with the opinion. The non-conformity was in a non-essential point. It was entirely within the discretion of the trial judge to sign just such a decree notwithstanding the clause in his opinion in regard to answering over. It was for him to settle the form of the decree. If, as he understood at the time, the losing party desired to appeal and he was to allow an appeal from the decree, it was highly proper for him to omit that clause. This court then upon filing its decision could make an appropriate order as to answering over or as to any other proceedings that might properly be taken subsequently before the circuit judge. It does not affect the merits of the case, the justice of the case, it does not affect the rights of the winning party in the case below in the least that that clause was omitted from the decree."

It was contended by Gear that this ruling of the Supreme Court covered the matter sufficiently and amply protected the rights of the defendant in the case. Milverton urged, however, that the order for an extension of time be issued by De Bolt, as it was not desired to go into the Supreme Court and ask for such order when the Circuit Court could issue it. Judge De Bolt expressed the opinion that he did not have the right to issue such order, and he denied the motion. Milverton took an exception.

MRS. COFER DIES IN NEW YORK

DR. HERBERT RECEIVED A CABLEGRAM FROM DR. COFER BEARING THE NEWS.

A cablegram was received this morning from Dr. L. E. Cofer by Dr. George Herbert announcing the death of Mrs. Cofer in New York City. Death was caused by pneumonia after an illness of less than one week.

Mrs. Cofer has for a number of months been a sufferer and had undergone many operations. She grew stronger however and returned to New York for a trip. Dr. Cofer and their daughter accompanied her. The New York climate evidently proved too rugged for her strength and she contracted pneumonia and lasted less than one week.

Mrs. Cofer was well known in this city and leaves many friends here. Dr. Cofer has been the chief quarantine officer at this place for several years past.

BUSY AT SACHS.

The great price reductions on Stylish Dress Goods, Gloves, Corsets and Bed Spreads has made this a very busy week at the Sachs store; these exceptional prices held good until Saturday at 9 p. m. only.

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KINAU REPORTS KILAUEA ACTIVE

THOSE WHO GAZED INTO THE PIT DECLARE IT THE GRANDEST SCENE THEY EVER SAW.

The Inter-Island steamship Kinan, Captain Freeman, arrived this morning at 9:15 o'clock from Hilo and way ports with news of the increased activity of the fires in the crater of Halemaumau. The Kinan's passengers, those who visited the crater declare the scene in the pit the grandest they ever observed.

Purser Beckley speaks of the reflection on the clouds at night and the appearance that the volcanic dust gives the sun at twilight as magnificent. He regrets, he says, that the lava flows from Mauna Loa have ceased and that there could be no special excursion today, but rejoices in the fact that Pele is doing her best with Kilauea.

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